

Amendments to the Claims:

This listing of the claims will replace all prior versions, and listings, of the claims in the application:

1 1. (Currently Amended) A medical device having a [[user]] use position and a non-use position,
2 comprising:

3 a housing having first and second portions each having respective first and second ends,
4 the second portion having a first position in the use position and a second position in the non-use
5 position, the first housing portion extending along an axis;

6 a longitudinal member having first and second ends, the longitudinal member extending
7 from the housing along the axis in the use position and being captured by the first housing
8 portion in the non-use position; and

9 a needle extending downwardly from the housing in the use position and not extending
10 from the device in the non-use position.

1 2. (Previously Presented) The device according to claim 1, wherein the first end of the
2 longitudinal member is coupled to a first end of the second housing portion.

1 3. (Original) The device according to claim 2, wherein the second end of the first housing
2 portion is coupled to the second end of the second housing portion.

1 4. (Original) The device according to claim 3, wherein the second housing portion includes first
2 and second pieces pivotably coupled to each other.

1 5. (Currently Amended) A medical device having a [[user]] use position and a non-use position,
2 comprising:

3 a housing having first and second portions each having respective first and second ends, the
4 second portion having a first position in the use position and a second position in the non-use
5 position, the first housing portion extending along an axis;

a longitudinal member having first and second ends, the longitudinal member extending from the housing along the axis in the use position and being captured by the first housing portion in the non-use position; and
a needle extending from the device in the use position and not extending from the device in the non-use position,
wherein the first end of the longitudinal member is coupled to a first end of the second housing portion, the second end of the first housing portion is coupled to the second end of the second housing portion, the second housing portion includes first and second pieces pivotably coupled to each other, and
wherein the second housing portion includes a slot for enabling transition of the device from the use position to the non-use position unencumbered by the needle.

6. (Original) The device according to claim 5, further including first and second wing portions extending from the housing to receive finger pressure from a user to transition the device from the use position to the non-use position.

7. (Original) The device according to claim 1, wherein the longitudinal member includes a channel to enable longitudinal movement of the longitudinal member unimpeded by the needle.

8. (Original) The device according to claim 1, wherein the longitudinal member includes at least one locking member.

9. (Original) The device according to claim 1, wherein the first housing portion includes at least one locking member.

10. (Original) The device according to claim 1, wherein the longitudinal member includes at least one locking member and the first housing portion includes at least one locking member for engaging the longitudinal member at least one locking member in the non-use position.

11. (Original) The device according to claim 1, wherein the housing includes a needle retaining member to secure the needle in position.

12. (Currently Amended) A medical device, comprising:

a housing having first and second housing portions, the first housing portion having first and second ends and the second housing portion having first and second ends, the second housing portion having pivotably coupled first and second pieces, the first housing portion extending along an axis;

a longitudinal member having first and second ends, a channel, and at least one locking member, the longitudinal member being movable from a use position in which the longitudinal member is extended from the housing along the axis and a non-use position in which the longitudinal member is captured by the first housing portion, the first end of the second housing portion being connected to the first end of the longitudinal member and the second end of the first housing portion being connected to the second end of the second housing portion; and

a needle extending from [[the]] a needle retaining member through the channel in the longitudinal member in the use position,

wherein pressure applied to the longitudinal member in the use position biases the second housing portion away from first housing portion as the first and second pieces of the second housing portion pivot with respect to each other.

13. (Original) The device according to claim 12, wherein the longitudinal member includes at least one locking mechanism.

14. (Original) The device according to claim 13, wherein the first housing portion includes at least one locking mechanism for engaging the longitudinal member at least one locking member in the non-use position.

15. (Original) The device according to claim 11, wherein the second housing portion includes a slot to enable a transition to the non-use position free of interference from the needle.

16. (Original) The device according to claim 11, further including first and second wing portions extending from the housing for receiving pressure from a user to promote transition of the device to the non-use position.

1 17. (Previously Presented) A method of providing safety in medical device having a use
2 position and a non-use position, comprising:

3 providing a housing for receiving a longitudinal member having first and second ends
4 and a channel, the housing having first and second portions each having first and second ends,
5 the first housing portion extending along an axis, the longitudinal member extending from the
6 housing along the axis in the use position;

7 connecting the first end of the first housing portion to the first end of the longitudinal
8 member;

9 connecting the second end of the first housing portion to the second end of the second
10 housing portion; and

11 affixing a needle to the device extending from the first housing portion through the
12 channel in the use position;

13 wherein compressive pressure applied in a direction substantially parallel to the axis at
14 the first end of the longitudinal member in the use position forces the first and second housing
15 portions to pivot and extend from the first housing portion and envelop the needle.

1 18. (Original) The method according to claim 17, further including coupling first and second
2 wing portions to the housing to receive finger pressure from a user to transition the device to the
3 non-use position.

1 19. (Original) The method according to claim 17, further including providing a locking
2 mechanism on the longitudinal member to secure the device in the non-use position.

1 20. (Original) The method according to claim 17, further including providing a locking
2 mechanism on the first housing portion to secure the device in the non-use position.

1 21. (Previously Presented) A method of removing a medical device needle from a patient and
2 transitioning the device from a use position to a non-use position, comprising:

3 pressuring, in a direction substantially parallel to an axis and in the use position, a
4 longitudinal member extending from a housing along the axis and having first and second ends

5 and a channel into the housing, the housing having first and second portions each having first
6 and second ends such that the first and second portions extend at a pivot point to envelop a
7 needle of the device as the device transitions to the non-use position.

1 22. (Previously Presented) The method according to claim 21, further comprising applying
2 pressure to the longitudinal member until a locking mechanism secures the device in the non-use
3 position.

1 23. (Previously Presented) The method according to claim 21, wherein the pivot point pushes
2 the needle out of a patient's body.